



House of Representatives

General Assembly

File No. 378

February Session, 2018

House Bill No. 5503

House of Representatives, April 10, 2018

The Committee on Planning and Development reported through REP. LEMAR of the 96th Dist., Chairperson of the Committee on the part of the House, that the bill ought to pass.

AN ACT CONCERNING THE KILLING OR INJURING OF SEEING EYE DOGS AND ASSISTANCE DOGS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (*Effective from passage*) (a) The owner or keeper of a
2 dog that attacks and injures or kills a guide dog owned by a blind
3 person or an assistance dog owned by a deaf or mobility impaired
4 person shall be liable to the owner of such guide dog or assistance dog
5 for all economic damages sustained by such owner, including, but not
6 limited to, expenses of veterinary care, the fair monetary value of the
7 guide dog or assistance dog and burial expenses for the guide dog or
8 assistance dog.

9 (b) In addition to any economic damages awarded pursuant to
10 subsection (a) of this section, a court may award punitive damages to
11 the owner of the guide dog or assistance dog in an amount not to
12 exceed three times the amount of economic damages, together with a
13 reasonable attorney's fee.

This act shall take effect as follows and shall amend the following sections:

Section 1	<i>from passage</i>	New section
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PD*Joint Favorable*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note***State Impact:*** None***Municipal Impact:*** None***Explanation***

The bill affects lawsuits between private parties and does not result in a fiscal impact to the state or municipalities.

The Out Years***State Impact:*** None***Municipal Impact:*** None

OLR Bill Analysis**HB 5503*****AN ACT CONCERNING THE KILLING OR INJURING OF SEEING EYE DOGS AND ASSISTANCE DOGS.*****SUMMARY**

This bill allows a court to award attorney's fees and punitive damages in lawsuits against the owner or keeper of a dog that injures or kills a blind, deaf, or mobility-impaired person's guide or assistance dog ("assistance dog"). Punitive damages may equal up to three times the awarded economic damages, which may include, but are not limited to: (1) veterinary costs, (2) the assistant dog's monetary value, and (3) burial costs, if incurred. The bill also provides that the owner or keeper of the dog that injures an assistance dog is liable for economic damages.

Under existing law, the owner of a dog that injures an assistance dog is already liable for economic damages and, in certain situations, attorney's fees. The bill adds punitive damages to those that a court may award. An assistance dog likely constitutes a companion animal and, with some exceptions, if a dog injures a companion animal, the owner is liable for economic damages incurred by the companion animal's owner (CGS § 22-357).

Additionally, existing law provides that, under certain circumstances, the owner of an un-leashed dog that injures an assistance dog is liable for attorney's fees in addition to economic damages (CGS § 22-364b).

EFFECTIVE DATE: Upon Passage

BACKGROUND***Liability for Injury to a Companion Animal***

Under existing law, companion animals include domesticated dogs that are normally kept in or near the household of its owner and are dependent on a person for food, shelter, and veterinary care. Exceptions to liability for a companion animal's injuries resulting from a dog attack include when: (1) the offending dog was being teased or tormented and (2) owner of the companion animal was trespassing at the time of the attack.

Liability for Injury to an Assistance Dog Caused By an Unleashed Dog

Dog owners must, by law, restrain their dogs by leash when not on their own property and in the proximity of a blind, deaf, or mobility impaired person accompanied by an assistance dog that is licensed as such and is wearing a harness or orange-colored leash, thus making it readily identifiable as an assistance dog. If an owner fails to do so and the owner's dog attacks an assistance dog, the owner is liable for costs incurred by the assistance dog's owner including reasonable attorney's fees.

COMMITTEE ACTION

Planning and Development Committee

Joint Favorable

Yea 22 Nay 0 (03/26/2018)